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TAKING OF MAJOR ANDRE.

We see it announced in the newspapers, that a print representing this subject is about to be executed by Tanner, Vallance, Kearney, & Co. from a painting by Mr. Sully. The present is certainly a favourable period for the undertaking; partly because the arts which war had chilled and scattered from their homes, are rekindling American genius in the genial atmosphere of public tranquility, and under the influence of the congenial chivalrous spirit which martial enterprise and the proud sympathies of the nation have called forth; and still more so on account of the strong irritation of national feelings which a late unfortunate incident has occasioned. We speak in reference to the statement made by Col. Tallmadge, in Congress, on the subject of the memorial of one of Andre's captors. Without imputing to Mr. Tallmadge any desire to injure, much less a design to misrepresent any thing—we feel it as a general misfortune that the pestilential breath of doubt should have been allowed to pass over the characters of those men—the characters consecrated by the veneration of a whole people. We do not stop to inquire if nations judge justly of the virtue of those who are the objects of their gratitude or admiration—we know they never do; and that it is impossible that they should do so. Who imagines himself called by that circumstance to tear from their hearts the cherished models of excellence, and dole out to them the precise and heartless measure of their esteem; and bid them be more "slowly wise and meanly just?" Plato is dear to us too, and Socrates is dear, and truth is far more dear; but where shall we look for it in the case before us? From the victim of Arnold's treason, and Paulding's, Williams's, and Van Wart's virtue—from him who alone thought those gallant young men mercenary, or at least endeavored to make others think them so? Be it that he believed five hundred guineas would have effected his release; he was not the first, nor the last man, of his country, who has thought too lightly of American spirit and patriotism. He was not the first *eleve* of high-fashioned life who thought honor the prescriptive, exclusive right and inheritance of his own class; not as a stern principle in the hour of unseen trial, but as a gay ornament to grace the fallacious scenes of life's poor farce. We would not tread rudely over those ashes where the sympathies of a rival nation repose. Providence reversed his plot to destroy our Washington and our freedom; and let not us suffer the fair reputation of their preservers to be sullied by his groundless suspicions. And why did Andre suspect that those men might have been bought? Ah! why is it that men are ever building up baseless belief upon their hopes! They rejected every offer that was made them, but yet it was believed that they would not have rejected greater offers. This is so much like scepticism about the existence of virtue; so much like all that is odious in misanthropy, that we know not in what terms of common respect to reply. What is the last bitter drop which merit universally acknowledged wrings from the heart of envy but this—that no one can tell what other circumstances might have produced?

Whatever neglect Paulding, Williams, and Van Wart may meet in their lives—without wealth, without genius—however they may "pine in life's low vale remote;" as we are told in scripture of the poor man who saved the city; that he was forgotten—yet, in future days, we trust there will exist but one sentiment on this subject. With us there has never been but one; and that is with Marshall, that their reward was "much more accurately apportioned to the poverty of the public treasury, than to the service which had been received."

Theirs will be sacred names in times to come, when genius shall have cast her glories over the memory of their virtue. He who would then tear the laurel from their brows would be regarded as the enemy of liberty and of mankind.

But we forget our purpose, which was not to speak of the subject, but of the announced representation of it; we shall therefore give the description afforded by one of the artists engaged in the work:

"The figures are bold and prominent. The appearance of Major Andre, in the painting, corresponds with the idea usually attached to his name—a fine majestic figure. His countenance evinces anxiety, but not despondency. Paulding is seen with his rifle in his right hand, Andre's left hand resting on his shoulder, and with the right offering his watch, &c. which are indignantly rejected. Williams and Van Wart are both seen in the back ground, examining the papers found in Andre's boot; their eyes are directed towards Andre, with surprise and indignation. The scenery is appropriate; a large tree spreads its rude branches over the group, and, by an opening between its boughs, the blue tops of the Fishkill mountains appear, gradually receding from the view. A portion of the Hudson river is seen gently flowing through the rugged scenes on its margin, forming, by its peaceful meanderings, a striking contrast with the ideas connected with the scene in the foreground.

"Few subjects have better deserved the attention of the painter. The mind recals the actors in this interesting drama. The scene is renewed with vivid recollection—a full scope is given to fancy. It may indeed be correctly said, that "there is a kind of chivalrous magnanimity excited by the mere detail." The boldness, the prominency, and force of the natural imagery of the country, together with the magnitude of the stake then at issue, and the character of the American heroes, swell the soul to enthusiasm. The awful pause made in the greatest contest that ever decided the fate of mankind, inspires a kind of holy, indescribable fear. The Genius of Civil Liberty had unfolded her wings to depart from the earth for ever. The head of the immortal Washington was doomed to destruction. The dreadful scene was suddenly changed, by three men from the plough —Arnold fled—Andre perished—and American freedom triumphed."

NEW MODE OF RAISING THE WIND.

To the Editor of the National Register.

Sir,—I have no interest in calling your attention to the observations which follow. I am neither printer nor stationer, and am, therefore, influenced by no other motive than that of the general good. As a friend to my country, I cannot consent to see any act sanctioned by government that will injure its reputation, or any principle established that tends to the encouragement of monopoly. It has been the observation of almost every political writer, that monopolies are dangerous—they are dangerous because they inevitably lead to aristocracy, and to benefit the few, to the exclusion and injury of the many. I have no fear, however, that in this country monopolies will be tolerated for a moment; and, notwithstanding the *modest* proposition of a certain editor of a *weakly* paper in Baltimore, I cannot believe that Congress are yet such ninnies as to allow him the exclusive privilege of printing for government and furnishing all its stationery, even if he should do it on the same terms as it is now done. Much less can I believe that at this time, when economy seems to be the order of the day, they will be quite so liberal as to grant him an advance of 20,000 dollars for printing and furnishing stationery on *no better terms* than those on which they are now done. I had supposed that Jeremiah Didler had exhausted every possible mode of *raising the wind;* but here is an American Didler, compared with whom, the British *wind raiser* is a mere dolt. Indeed, Mr. Printer, your modesty will become proverbial. To come all the way from Baltimore and propose to Congress to grant you for life the exclusive privilege of printing, &c. for them and the other branches of government, might be tolerable enough; but to require, in addition to this, an advance of 20,000 dollars to enable you to fulfil your engagements is really too modest for any man but the editor of a *Baltimore weakly* paper. Knight errantry, I find, is not yet entirely abolished, notwithstanding the smiling satire of Cervantes; for here we have a *knight of the press,* more formidable, by far, than he of La Mancha, though armed with Mambrino's helmet, and the lance of Amadeus de Gaul, sallying forth to correct abuses, and redress, not the world's, but his own grievances, with a tympan in one hand and an ink ball in the other; determined to attack the enchanted castle of government, and by the force of his *brazen* armor compel it to surrender to him those precious rights it thought unjust to grant to others. Persevere "honest Iago," and your success will be certain; for how can men who are daily engaged in demolishing the fabric of government, in removing whiskey taxes, and reducing armies, *merely to be economical,* avoid granting so trifling a favor to one who has done so much for his country. A Grubb street poet would invoke the genius of type to favor so laudable an undertaking, and when at the close of a well spent life, he should be called upon to write your epitaph, he would perhaps say, with Burns,

"————Hic jacet wee Johny,
Alas! his *body* is under ground,
For *soul he ne'er had ony.*"

D.

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The above communication was received through the post-office; and the circumstance to which it alludes, in sober, serious language, is simply this: two gentlemen have petitioned congress to pass an act vesting in them the *exclusive* privilege to furnish congress and the heads of departments with their stationery, and to execute their printing, at prices to be fixed by persons to be appointed for that purpose—and to enable them to prosecute the monopoly thus asked for, they require government to grant them a sum of money in advance, the precise amount of which we have no positive information, but presume our correspondent has informed himself on the subject.

We cannot for a moment believe congress will so far lose sight of the interest of the nation as to grant the prayer of the petitioners, even if they possessed the *capacity* to execute the business. The adoption of such a measure would drive from the seat of government every honest printer who has heretofore been able, by persevering industry, to maintain himself and family, and thus destroy that honest competition which alone can secure the public from imposition. If economy and a certainty of being well served be the object of congress, they will certainly continue that regulation which encourages enterprise and emulation. Many weighty reasons might be urged in support of this, but we deem it unnecessary, as we have reason to believe that congress are not prepared to listen to the petition.

ABORIGINAL ORATOR.

One of the most extraordinary men of the present age, has passed from the stage of life without teaching the world fully to appreciate his character. We mean the Indian orator and hero Tecumseh. The grandeur of his plans; the ardent, patient, bold, yet prudent inflexibility with which he pursued them, all indicate a mind of the highest order. The great body of mankind must always be imposed on by circumstances, and therefore will be little inclined to allow, that Tecumseh was not only an accomplished military commander, but also a great natural statesman and orator. Of the many strange, and some strongly characteristic events of his life, we are going to give only a little one, which we lately heard related; which affords an admirable specimen of his proud, ambitious, dangerous spirit, and of the sublimity which sometimes distinguished his eloquence. It was in 1811, at the council which general Harrison held with the Indians at Vincennes. The chiefs of some tribes had come to complain of a purchase of lands which had been made from the Kickapoos. It is generally known that this council effected nothing, and broke up in confusion in consequence of Tecumseh having called governor Harrison a liar. It was in the progression of the long talks that took place in the conference, that Tecumseh having finished one of his speeches, looked round, and seeing every one seated, while no seat was prepared for him; a momentary frown passed over his countenance. Instantly general Harrison ordered that a chair should be given to him. Some person presented one, and bowing, said to him, "Warrior, your father, general Harrison, offers you a seat." Tecumseh's dark eye flashed. "My father!" he exclaimed, indignantly, extending his arms towards the heavens, "The sun is my father; and the earth is my mother. She gives me nourishment, and I repose upon her bosom." As he ended he sat down suddenly, cross-legged, upon the ground.

JOHN SCOTT'S SPEECH,

In Committee of the whole House on the contested Election between himself and Rufus Easton.

Mr. Chairman,—Though not unaccustomed to public speaking, yet such has been the humble sphere of my life, that I feel unusual embarrassment in rising in this august assembly. I had rather that any other occasion had called me to occupy the floor, than one that has the appearance of being blended with personal interest. I regret, sir, that the electors of the Territory of which I claim the honor of being the delegate, in exercising their right of suffrage should not have been more unanimous; and especially as the want of a more distinct expression of the public voice, or, as it is alleged, a *want of form*, in declaring their sentiments, has given rise to a contest equally as unpleasant to me, as it is irksome and unprofitable to you. Were the personal interest or feeling of the petitioner and myself alone to be affected by the decision, I should deem it a matter of much less consequence. It is, on the contrary, a question between the voters of the Territory; and viewing it as such, I consider it my duty not to relinquish voluntarily, or permit to be *wrested* from me, a seat that I believe they intended I should fill.

But, sir, even under these considerations, I am not prepared to say, whether I would not have maintained that silence which I have hitherto observed, had not the resolution of the honorable gentleman from Virginia (Mr. Nelson) been withdrawn to give place to that of the honorable speaker, (Mr. Clay) the avowed object of which is, to place in my seat the man that I must be excused for thinking the people did not intend to elect—or if the ungenerous and unfounded insinuations had not been made, that I am the governor's delegate, and not the people's. Sir, on your table there is abundant refutation of this charge; there is testimony sufficient to satisfy the honorable speaker, however sceptical he may be, or any man; yea, even the *pretender* himself, that I am the people's choice. Yet as the notices were informal, I would have acquiesced in the resolution to vacate the seat, and have returned, to appeal to the people for their decision between us. I should notwithstanding, have much regretted that my territory should be without an acknowledged agent here; although as the business is carved out, I could have attended before the committees, and have trusted to the consideration of the house when the reports were made.

The honorable committee of elections have stated that the notices are general, and that under them the testimony could not be received. The petitioner, who had once been a member of this house, had marked out the road which, *even in this instance*, I felt unwillingness to follow, although I had a right to expect that he could not plead a want of knowledge of them. Let the notices be compared, and you will find that, in the one case, they are as general as in the other. But it is quite probable, as is now verified, that he only intended to rely on the defects of form. I trust he will not think me uncharitable in surmising that he had thrown out this notice as a decoy; intending to surprise me on trial, to set aside right and justice, and float into this house on *fictions and forms*.

Whether the honorable chairman of the committee of elections (Mr. Taylor, of N. York) deserves credit for his *wisdom*, or censure for his *zeal*, is not for me to say; he has, however, in his *vigilance* awakened into active life the case of Mr. Varnum; a case which took place twenty years ago, and has lain folded up in the lids of a single manuscript book for all that time; probably never inspected by more than one or two interested persons. Sir, I ask you—nay, under your eye, I appeal to every member of this house, and ask them, how many knew that such a case ever existed, until its resurrection on this occasion; and could you expect me, a thousand miles from the seat of government, immersed in the western wilderness, to know that such a case ever had happened, and that it contained such rules? Sir, if the petitioner had known it, would he have applied for a continuance at the first meeting after the recommitment? or if the committee of elections had known it before the recommitment,

they could have shown the inutility of that recommitment, for the notices were before them. The operation of the laws of Caligula on the Roman citizen were not more unjust than the application of such rules to the concerns of a territory so removed from the depot of those musty records. The notice that my election would be contested is dated the twenty-fourth of September, and on the first of November it was necessary to set out to reach this place in time. There, then, is an interval of thirty-six days to traverse a territory of seven or eight hundred miles, give specific notices, and attend, in probably fifty townships, to the taking of depositions—it is requiring what is impossible in the nature of things. Sir, it is recorded in history that in ancient times Tarquin pushed himself into the representation of the people contrary to their wishes, but this and some other *crimes*, in the end, produced his expulsion. It is not patriotic, it is not republican to push into office contrary to the voice of the people. It may do for those who have no other hopes of obtaining power, for those who have little or no character to lose, but, for me, I have no desire to intrude myself where I am not called, or to assume a trust not spontaneously confided by the voice of my country.

By the constitution of the United States Congress has power to fix by law the times, places, and manner of conducting elections. But the constitution does not stop here, it goes still further, and gives to each house the right to judge of the *election, returns and qualifications of its own members*. The term *qualification* here used includes, first, the qualifications of the elected; second, the qualifications of the electors; and, thirdly, the form of conducting elections and making returns. With respect to the first, I shall say nothing, as it is not made a question before the house. But as to the qualifications of the electors, I contend that you are solely and exclusively the judges. There is no concurrent jurisdiction with you. The organic law, so called because it organized the second grade of government in the territory, expressly declares what shall be the qualifications of voters there; and did you by that law make the judges of territorial elections exclusively your judges as to the qualifications of voters for members of your house? No, sir, you reserved the right to see that its provisions, so far as related to members of your house, were complied with. It is absurd to say that you will not inquire into the qualifications of the electors. Suppose one man had voted twice, according to the decision of the committee no proof of this can be given, though clearly not qualified to vote the second time. The decision goes the length to say that the returns are evidence that he was qualified to give the second ticket. It is the usual practice for some one, other than the person voting, to write the ticket; hence a non-resident, an outlaw, an infant, a negro, or even an *Indian*, perhaps in time of war, just from our bleeding frontier, his hands still reeking with the blood of his victim, if duly returned as a voter, all inquiry is precluded into the nature of his qualifications. If this doctrine prevails, hundreds of good votes may have been improperly rejected, or hundreds of bad votes improperly admitted and counted, while, to the party injured, there remains no redress. Wretched indeed would be the situation of the territory of Missouri, if, by such a decision, it is placed in the power of township officers to put the final seal on its elections, and virtually to over-rule the elective franchize of those entitled to a representation. The statute of the territory points out the mode of canvassing or contesting elections for territorial purposes, but leaves to Congress the question as to delegate. But, sir, the case of Kelly and Harris from Tennessee, where they also vote by ballot, has settled the principle *even in this territorial case*. The report of that case, which took place in 1814, and which can be seen in the publications of state and executive papers, clearly establishes, that even in elections by ballot the qualifications of the voters may be inquired into. But as this part of the subject forms a constitutional question, involving the rights and privileges of this house, and not particularly *my rights*, and has been spoken to by others infinitely more competent to its investigation, I shall leave it, to take a short view of the facts connected with this subject.

The third question as to the *formal qualifications* of the member, or, in other words, the *form of conducting elections*, and the *form of the returns*. The organic law vests the *right* to vote, the territorial legislature had only the right to prescribe the *form* of voting; you gave the right, but by the construction contended for, the *form* is inquirable into, though not the *substance*. Where is the reason of this? If a qualified voter expresses his will informally it vitiates; while one not qualified *substantially* to vote, pursues the *forms*, it precludes the parties, and inquiry is closed. What qualifies the delegate for a seat in this house? Is it the *form* of the returns, or the *substantial* voice of the people? this is making the substance subject to the form, and not the form amendable by the substance, which is the rule in all other cases.—But this, it is said, is *a territorial case*.

Another reason for rejecting the *Cote Sans Dessien votes* is, that they are given *viva voce*; why not then reject those I referred to? do they not on the very face of the return appear to have been so given? I even doubt the right of the territorial legislature to say that a man shall not *speak* his sentiments on this as well as on all other subjects. Whatever the policy of certain states may dictate, the constitutional right of speech cannot be curtailed. And can it be possible, that a man who is unable to write, shall not be permitted to say for whom he votes? The legislature might with equal propriety compel him to write his sentiments on all other occasions. No, sir, it was intended as a privilege to vote in this way, but if the voter did not choose to resort to it, he cannot thereby lose his right of suffrage. I would even combat the doctrine that an unqalified voter was protected from being compelled to disclose for whom he voted; I would say that where a man violates the law, and ventures to give in a ticket, that was not authorized to give one in, that he should be compelled to say for whom he voted, for as he had *no right to vote*, so he should have *no privilege* to conceal for whom he voted; the *violater* of the law should not be protected by its provisions. As evidence of the illegality of those votes, it is said they voted as they *stood*. I know of no particular attitude of body to be assumed in voting, whether standing or sitting, to my mind it would be equally valid. What is a voting by ballot? Is the ticket to be secret and folded up? or may it be open and read off? In either case it is but a name, or names written on a piece of paper. Another singularity is, that the committee received evidence

that the people voted *viva voce*, but would not receive evidence that they ought not to have voted at all.

The default of the judges of election is not to debar the people of their rights. The judges of election, under the territorial statute, are to act *judicially* in receiving the votes, and *ministerially* in returning the poll books. The object of swearing them, as is exemplified in the case of Hungerford and Talliaferro, is to procure a just result, and when that result is produced, the end of the law is answered, whether the judges were sworn or not. A case might be supposed where the judges were in favour of one candidate, and they knew that the people would vote for another, here they might neglect to be sworn that the return might be set aside, to favour the candidate to whom they wished success. Those men who signed the Cote Sans Dessien return, as judges, were authorized to act, which is proved by the certificate of appointment from the clerk of St. Charles county; and if one judge did not attend, or but one clerk officiated, where probably another could not be procured, is this circumstance to set aside the rights of the people?

Permit me now to examine the duty of the clerk and magistrates on the returns being made to them: are they *ministerial* or *judicial*? and what powers have they? I lay it down as an established maxim, without fear of contradiction, that in a free government, a *judicial power* is never given by implication or construction; nor can it be assumed, or exercised, unless it is expressly given. At law, even the consent of parties will not give jurisdiction. The statute in creating the judges of election, vested them with some discretion, and pointed out the means to be used by them, to acquire the information necessary to form a judgment, such as administering oaths, &c. and also, requires them to set in a separate column the names of persons rejected, with a view that an appeal might be had to the territorial legislature, and to this house, they judge both of form and substance. No such power is given to the clerk and magistrates by law. But suppose they have the right to judge of the returns made to them; then by what rule are they to decide? are they to go by the measure of their discretion? if not where is the written rule, or common law practice? Could a man whose vote had been rejected by the judges of election, appeal to the clerk and magistrates for redress? If they have any *judicial* powers they must the right to correct all the errors of the judges of election. They must be full—not half judges. I have never heard of a set of men created *judicial officers* merely to adjudicate on the matter of form, while to adjudge on matters of substance was reserved for some other tribunal. The statute having enacted no particular rules, the clerk and magistrates of one county may decide different from those of another, and where is the court of appeal to establish uniformity on this subject? the clerk is to call to his assistance two magistrates, it matters not what two in the county. These magistrates and clerk when thus assembled, are in a particular time, and manner, to open the poll books, make out an abstract of the votes, and return it to the executive; all they do beyond is *corum non judice*. If the clerk and magistrates who open the poll books, have a power to judge and to reject at all, they might reject a good return from bad motives, and what would be the consequence? an injury without the possibility of redress.

The clerk and magistrates acknowledge on the paper that it was a *return* to them and they received it as such, and so soon as it came to them as a return, they were bound to include its amount in the abstract, and forward it to the executive. Had the clerk and magistrates of the Genevieve acted as *judicial officers*, would not the Saline and Big River townships have been rejected? They included in their abstract *all* returns made to them, with their notes attached thereto. Did it make any difference as to the validity of the return, whether the notes made by the clerk and magistrates of St. Charles, were on the back of the return itself, or on the general abstract, as at the Genevieve? An objection is made that this paper is not an *abstract*, this too is *stickling for form*; what is an abstract under the statute? Is it a copy of the returns? Or, is it an abridgment? The law prescribes no form, the abstract from one county differs from that of another; and which is right? And who is the judge? An abstract, in my opinion, is such a paper as clearly conveys to the executive, and informs him of the amount of votes given for delegate. Will gentlemen contend that because it contained more than enough that all is void? I believe surplusage seldom vitiates, and is never permitted to prevail in opposition to *right*; and what *right* is more sacred than the right of the people to vote?

The next question presented is, had the clerk and magistrates power to make an amended return, within the time prescribed by law? Sir, if I have proved that they acted merely *ministerially*, it almost follows as a matter of course, that all *ministerial* acts are amendable, particularly so when they can be amended by the record, the poll books returned to, and filed with them, are the acts of the *judges* of election, acting as *judges*, they are records of facts; they are bound by them; they cannot contradict or differ from them; they cannot travel out of the record; their records are of the highest nature in relation to the subject matter, being the originals; an abstract made out from them, differing in number of votes, is erroneous—nay, void; and whether done by design or mistake, the principle is the same; they can, nay, must be amended by the record. It is a diminution of record which must be supplied; who can do it, beside the clerk and magistrates, as the depository and keepers of the records or poll book? The clerk never signed that rejection; his certificate proves it never was included in the general abstract; that it came to his office in time to have been included and returned; the depositions on file prove the manner it was made out and forwarded to the governor; that it never was soiled by my hands, and that it came to the executive within the time prescribed by law. If the clerk and magistrates made out their abstract and returned it a few days before the expiration of the time allowed, under the belief that all the poll books had come in; and another township's return should arrive, made out in due form; will it be contended that it could not be sent on to the executive with an explanatory statement of the facts; or is the precipitate conduct of the clerk and magistrates to preclude the people of their rights, and the party of their votes—I trust not in our government.

I beg now to be indulged with some remarks relative to the conduct and duty of the governor, and to inquire whether he acted *judicially* or *ministerially*. By the statute of the territory he is

bound to receive and count up *all* the votes contained in the returns made to him, within a certain time. This paper constituting a part of a return, or a return within itself, came to him within that period, and at the time of *casting up, and arranging the votes*, it was before him. From the certificate attached to it, he clearly saw that it was not included in the general abstract; it came to him as an amendment of an error, or mistake in that abstract. Had he power to reject it? Change the case thus, if those votes had been included in the general abstract, how would the governor have designated them from the others, even if they had come with notes and remarks as from St. Genevieve? Could he have laid a part aside, and counted the residue? The election is by townships, those townships are created by the circuit court, and not by the governor; and how is the governor to know when all the returns are made? He is obliged to receive all that are made within the time limited by law. If the governor is vested with any powers to judge, he must scan all the returns, and only count those that come accompanied with all the forms of law. How then would the Arkansas return have fared? That abstract shows that the poll books were neither opened, or the abstract made out according to law; was he to *judge* he must have rejected it totally. No doubt gentlemen would have complained of this as an arbitrary assumption of authority, calculated in its exercise to deprive the people of their suffrage. If the governor could have rejected this return, by the same principle he could have rejected more; and where would he end? Is this house prepared to say that the governor is to have a discretionary power over the suffrages of the people, to reject or admit such as he pleases? Sir, although I have as much confidence in the integrity of governor Clark as I have in the dictates of my own heart, yet I should regret to see the rights of the people of my territory placed in his power; the principle would be destructive of all freedom of suffrage. This, to my mind, is convincing that the governor is not the judge of the returns made to him, he has but one duty to perform by law, to add up the votes and declare the result. Nor does it appear otherwise than by inference that the governor ever did count those votes, though I believe it to be the fact. The character of a judge, I have already shown, cannot be assumed; it must be expressly given before exercised. The statute confides to him a limited power, not to judge of the qualifications of voters, not to judge of the formality of the returns, but merely to cast up and arrange the votes contained in the returns made to him. The next tribunal vested with judicial powers after the judges of election, is this house; the clerk and magistrates, as also the governor, are merely conductors of the result from the fountain head to this place.

If I am not *formally* entitled to a seat, the petitioner is not *substantially* entitled to a seat; you then are to act as a court, not of law, restricted by forms, but of equity, taking a view of the whole ground. You are now to do what the people intended to do; they have all expressed their will on this subject; some formally, some informally; consequently you are to consult *all* their intentions, whether formally or informally declared, and not a part only. If you set aside the Cote Sans Dessien returns, you thereby over-rule the governor's certificate, and thereby send us back to the original abstracts; and hence it will be necessary to inquire into all the abstracts; here you will find that there are more informal returns that contain majorities for the petitioner, than for me; I need only name those of Arkansas and the two townships of St. Genevieve.

Though I have already been greatly indulged, still I desire permission to notice a few of the arguments of gentlemen before I sit down. The honorable gentleman from Maryland (Mr. Wright) has insinuated corruption, and said that the governor did wrong in giving me the certificate; and was imposed upon by me and my friends. Sir, I deem that gentleman unfortunate that he is not acquainted with Governor Clark; for if known to him he would not have made those remarks: for permit me to say that, if that gentleman was even as good and as great as the most sanguine opinion he entertains of himself induces him to believe he is, yet that the man in reference, to whom he has made those unjust and illiberal insinuations, would rival and eclipse him. But the gentleman seems to have such a desire for speaking, that, whether he understands the subject or not, the house is reduced to the necessity of hearing him at least one in every twenty-four hours.

The honorable gentleman from Virginia (Gen. Jackson) has stated a case in opposition to the arguments of the gentleman from Kentucky (Mr. Sharp) that there were cases in which a summary mode of redress was resorted to, and proper, even where the title was in another person; such as forcible entry and detainer, &c. I presume it is a long time since that gentleman has consulted any authorities, for he is certainly incorrect in the application of that doctrine to this case. The rule alluded to by him only applies where the party seeking redress had been once in possession—here the petitioner never was in possession: and can only be admitted to that possession after trying the title, which this summary mode alluded to is not calculated to do.

The honorable gentleman from New-Jersey (Mr. Southard) has said the committee have done all they could, that the parties had joined issue, and the decision was against me, and must be carried into effect. Let me ask that gentleman whether the issue here joined is not on the matters of *form* only, consequently an *immaterial issue*, for the committee have decided on nothing else in their report. That gentleman must excuse me for recommending to him a re-examination of his law books, for in none of mine have I ever read of a final judgment, and execution going, on an interlocutary judgment, or a verdict rendered on an immaterial issue; the usual course I believe is to award a venire de novo.

The honorable gentleman from Connecticut (Mr. Law) has said that the reasons given by the committee in their report have given rise to all this debate. I hope that gentleman will always be able to give a reason for his opinions, and that it will never excite feelings of regret, that by acting reasonably he has afforded an opportunity to investigate principles. I shall not notice the remarks of the honorable chairman of the committee of elections, (Mr. Taylor) they are merely explanatory of the course of proceedings before them, and in illustration of the grounds of their decision; nor do the remarks and insinuations of the petitioner deserve serious reply. They are the mere effusions of disappointment—*it costs him nothing* to deny the right of his agents, Mr. Russell and Mr. Lucas, to take testimony, where that de-

nial will promote his views, though the proof taken by him disproves the statement he has made. Between him and another tribunal let the fact be determined.

The honorable speaker, (Mr. Clay) in the zeal of debate, has fallen short of his usual accuracy—he has taken it for granted that the petitioner was entitled to the certificate, and that he was entitled to the seat. I will ask that gentleman how he knows it? Has he examined either the facts or the proof? Or has he taken the thing in gross without examining either? He has acknowledged the right to examine into the qualifications of the electors, but says "*we have not the means—that a scrutiny is out of the question, because we cannot compel a man to declare for whom he voted.*" And because we cannot compel a man to make the disclosure, shall we not be permitted to use the testimony we can procure, nay, have procured? Why determine the *form* and then the *substance?* The man entitled to the credentials may not on inquiry be found entitled to the seat, or is the gentleman so much used to form, that he forgets substance? The gentleman says, that "the case of Kelly and Harris is not a parrallel case; that in that case the governor gave the certificate from all the papers before him." And did not governor Clark do the same? It was for acting on all the papers before him that complaint has been made. But the most remarkable difference that the gentleman draws is, that "Kelly and Harris was a *state case*, and this is a *territorial case.*" Can that gentleman be serious when he argues that the rights of the people in a territory of the United States are not as sacred as those of a state? The delegate from Missouri territory, whoever he may be, represents more people, and a people that have more wants, than the honorable gentleman represents. More than is included in his district. That gentleman represents 35,000—the territory has at least 40,000; yet the gentleman, high in the confidence of his country, and one of the champions of the people's rights, treats the rights of 40,000 of his fellow citizens with a levity bordering on contempt. To be rid of the delegate he would "parcel them out to the two houses." The case of Kelly and Harris is said "not to be binding on this house;" but how does this argument square when the case of Mr. Varnum is brought to bear on this question? Was not that a *state case*, and has not its rules been applied to this *territorial case?* Why be governed by the rules of a case transpiring in one of the northern states, and not the rules of a case transpiring in a western state? In this inquiry, if a distinction is to be made, it ought to be reversed. The honorable speaker has said that "an act of injustice was done by the territorial governor; that the certificate is illegal and unjust, though he does not mean to disparage Governor Clark, who he believes is humane and virtuous; and that the order of right ought to follow the order of wrong." Sir, when you are convinced of the wrong, then interfere; but here you will do wrong to the territory by admitting to a seat in this house any other than him who has the majority of votes, without regard to forms. I do not understand this way of stabbing the reputation of a man with one hand, while you pretend to heal up the wound with the other. The honorable gentleman from Maryland (Mr. Wright) may have some excuse for his presumptuous attack; but the honorable speaker can have none; because he knew the governor in question. It argues nothing to say that the governor might accept of illegal votes, or reject legal ones—it argues nothing to say "that this house ought not to sanction such an act." First let it be shown that such a case exists, and do not presume it. The legal presumption in favor of the officer never applied with more force than here. The character of Governor Clark is far beyond encomium from me. His fame is familiar to every man in the nation. His course in public and private life has been as straight as a ray of light. Sir, I frankly acknowledge that I am "charmed to hear that gentleman debate" when I am not connected with the subject; but I can assure him that whatever may be my "misfortunes" as a party here, from the temper shown on this occasion, it would deter me from looking to him for commiseration. It is painful to be so far thrown into the back ground, and overshadowed. I trust, however, that the period is not far distant when my territory will emerge from its present degraded situation, and take its level and its rank amongst the States of the nation.

Sir, I feel that I have fatigued you. Patience is a virtue, and when exercised to the weak and the feeble, or in promotion of justice, it is amiable. Permit me, before I sit down, to present my acknowledgments to you and to this house, and to assure you that whatever may be the result of your deliberations on this subject, I shall always remember with gratitude, and with pleasure, the attention with which I have been heard.

PUBLIC DOCUMENTS.

YAZOO LAND CLAIMS.

The board of commissioners having taken into consideration the claims "under and in the name of the Tennessee Company," has finally adjudged and determined thereon. Abundant time has been allowed to all interested parties to produce competent evidence, and no benefit can be expected to result from any further delay in pronouncing its decisions.

The claims under this company consists of two classes.

The first class comprises those claims that are founded on the scrip originally issued by the grantees named in the act of Georgia, Z. Cox and M. Maker, and on the deeds which were substituted for the scrip on the payment of the consideration money.

The second class consists of those claimants who claim under certain deeds executed by Zachariah Cox, or his attorney, for certain portions of the company's territory by metes and bounds.

It is the judgment of the board that the right of the first class of claimants to indemnification, to the exclusion of the second class, has been fully established. The grant of the State of Georgia to Z. Cox and M. Maker, and their associates in fee simple as tenants in common, and not as joint tenants; the division of the property of the company into 420 shares: the issue of scrip to that amount to the several associates, whereby the members of the company were identified and the execution of deeds to those scrip-holders who had paid the consideration money entitling each of the grantees to one 420th part of the territory, fully substantiate the right of this class of claimants to indemnification; and the board would have decided at an earlier period on their case if it had not wished to

allow every opportunity to the second class of claimants to collect all possible evidence in their behalf.

It is, however, the opinion of the board, after the fullest inquiry, that the second class of claimants under deeds executed by Z. Cox is not entitled to indemnification. No evidence has been exhibited that Z. Cox was ever authorized as a general or a special agent of the company to execute such conveyances. Even if Cox and Maker, the grantees named, had been authorized to execute such conveyances, it has not appeared that Z. Cox was ever authorized alone. The only authority which has been produced in his justification to perform such acts, is a power of attorney from M. Maker to Z. Cox. A. Harper and A. Jackson, whereby two of the attornies were required to join in all acts performed on his behalf. These attornies never united with Cox in the execution of these deeds, and never sanctioned them by any act. But even if the power from M. Maker had been strictly pursued in the execution of these deeds, it is the opinion of the board that the claim of the grantees by metes and bounds would not have been supported, unless evidence had been produced that Z. Cox and M. Maker were duly authorized by the company to make such conveyances. The mere circumstance of their names being mentioned in the act of Georgia, and in the grant from the State, cannot be construed to be such a trust as would have authorized them after the conveyances made to their associates, which was the performance of their trust, to annul or invalidate their own conveyances by subsequent grants to others.

The board does not think there is any foundation for the argument of the counsel of these claimants, that the members of the Tennessee Company are to be regarded as partners according to the law merchant—and the territory granted as the stock and effects of their trade, that therefore the act of Z. Cox, one of the partners in conveying portions of the territory must bind his co-partners.

It is the misfortune of this argument, even if it were sound, that there is no evidence that Cox was a partner, or held a single share in the company at the time he made these conveyances. On the contrary, his conduct affords the strongest presumption that he had parted with all his legal claims before he executed these deeds. But the board is decidedly of opinion that the position of the counsel is intrinsically unsound. No authority or precedent can be produced that real property was ever considered in law or equity, so far a chattel or stock in trade that one share-holder, whether a joint tenant or tenant in common, could convey the whole. Such a position directly conflicts with every principle of law on which the title to real estates in this country is founded.

The fair obvious construction of the grant from Georgia, and the deeds between the parties, also invalidate the position taken by the counsel, and fully prove that the members of the company themselves never considered their property in the territory as subject to this principle of the commercial law.

All the title papers make them tenants in common, and provision is made in the deeds (which were issued in lieu of the certificates) for a division of the territory into 420 parts, in order that it might be distributed by ballot among the members.

The argument of the counsel would go to show that any one member of the company who held a 420th part could convey the whole of the territory as well as his own share, and the same argument would make the deed of any one member equally binding with the deed of Z. Cox.

In consideration, however, of the respectability of the claimants under the deeds from Z. Cox, and the apparent adequacy of the consideration paid and honesty of the views of the grantees, time was given by the board to enable these claimants by metes and bounds to raise an equity in their favor which might be binding on the claims of the other class of claimants. But the board is of opinion that no such equity has been established.

It was presumed that proof might be exhibited that Cox and Cox & Maker had been fully authorized, as agents of the company, to make such particular conveyances; but no such evidence has been or can be exhibited, and even if they had been jointly authorized to do so by the company, it does not appear that M. Maker ever constituted Z. Cox an attorney to make such conveyances alone.

It was also presumed that it would appear that Z. Cox had not disposed of all the certificates he originally held in the company, at the time he fraudulently executed these conveyances.

No evidence has, however, been produced that he held these certificates at the date of these conveyances. On the contrary, it may be justly presumed that as Cox's sole view in making such sales was to raise money, he would not have resorted to these sales for that purpose, (while he could by fair means have obtained his end) that he would not have executed such defective conveyances, while he had any legal titles to dispose of.

It was also expected that it might appear that these sales were made for the purpose of discharging debts and expenses which Cox had contracted on good grounds for the interest of the company, and with this view the board heard all the allegations of Cox (not as evidence, but as the means of obtaining further information by inquiry) in behalf of these claimants by metes and bounds. But he has exhibited no accounts to the board to show that such necessary disbursements were made by him for the concern, or that the proceeds of these sales were appropriated to the service of the company.

On a full view, therefore, of the subject, the board is compelled to regard the act of Cox in executing these conveyances in the same light in which they regard his withdrawal of upwards of 30,000 dollars from the treasury of Georgia, after he had parted with all his title in the company, and they lament the necessity which compels them to decide against the many meritorious claimants under such defective titles.

On the subject of the amount of indemnification to be allowed to the claimants, a question arose whether a deduction ought not to be made for the 50,000 acres reserved by the 15th section of the act of Georgia, as a compensation to the commissioners appointed by the State of Georgia, for the purposes of examining the quantity and quality of the land on the great bend of the Tennessee river; but the board is of opinion, after a full investigation of the question, that such a deduction ought not to be made The terms of the act of March 31, 1815, gives the indemnification "to the persons claiming in the name of and under the Tennessee Company."

The claim, however, of the commissioners to the reserved land is not derived from the Tennessee Company, but is founded on the 15th section of the act of Georgia.

The patent from Georgia also reserves this land from the grant made to the Tennessee Company; the settlement of this claim must, therefore, be provided for by a subsequent act of legislation.

It is, therefore, adjudged by the board that each of the claimants of the first class is entitled for each certificate or deed so substituted for such certificate that has been released to the United States, to one four hundred and twentieth part of the indemnification granted by Congress to the "Tennessee Company."

NATIONAL LEGISLATURE.

SENATE.

Wednesday, Feb. 12.—Mr. Tait, from the committee on naval affairs, submitted the following resolution for consideration:

Resolved, That the president of the United States be requested to cause to be examined and surveyed the eastern entrance into Long Island Sound, the harbor of Newport, and Hampton Roads, by commissioners; and that the said commissioners report their opinions as to the practicability of defending the said sound, harbor, and roads by fortifications; and if defensible, or any of them, what would be the probable expense thereof.

That he be requested, also, to cause to be examined the coasts and waters of the United States, north of the Delaware, with a view to the selection of a proper site for a naval depot, rendezvous, and dock yard; and, it is further requested, that the said reports, opinions, and estimates be laid before the Senate in the first week of the next session of Congress.

The bill to authorize the appointment of a surveyor for the lands in the northern part of the Mississippi Territory, and the sale of certain lands therein, was read a second time.

The bill to set apart and dispose of a certain portion of the public lands for the encouragement of the cultivation of the vine and other exotics, was read a second time.

The Senate then proceeded to the Representative Chamber, to attend the scrutiny of the votes for President and Vice-President of the United States; and, having ascertained the result and returned to their Chamber, adjourned.

Thursday, Feb. 13.—The resolution above stated as having been submitted by Mr. Tait, having been amended by adding the words "and York river," after "Hampton Roads," was agreed to.

The bill "to authorize the State of Tennessee to issue grants and perfect titles on certain entries and locations of lands therein described," was reported by the committee of public lands, with amendments.

The motion of Mr. Troup to instruct the proper committee to inquire into the expediency of making the town of Darien a port of entry, was taken up and agreed to.

Friday, Feb. 14.—The Senate resumed the consideration of the bill to amend the act of the last session, authorizing the paymen for property lost, captured or destroyed in the military service.

A motion was made to reconsider the vote by which the Senate refused to strike out the first section of the bill; which reconsideration was agreed to by the following vote:

YEAS—Messrs. Ashmun, Barbour, Brown, Chase, Daggett, Dana, Fromentin, Hardin, Horsey, Howell, Hunter, King, Mason of Va. Noble, Ruggles, Talbot, Tichenor, Wells, Williams.—19.

NAYS—Messrs. Campbell, Condit, Gaillard, Hanson, Lacock, Macon, Mason of N. H. Morrow, Roberts, Sanford, Smith, Stokes, Tait, Taylor, Thompson, Troup, Varnum, Wilson.—18.

The question then recurring on striking out the first section, was decided as follows:

YEAS—Messrs. Ashmun, Barbour, Brown, Chace, Daggett, Dana, Fromentin, Goldsborough, Hanson, Hardin, Horsey, Howell, Hunter, King, Mason, of Va. Noble, Ruggles, Talbot, Tichenor, Wells, Williams.—21.

NAYS—Messrs. Campbell, Condit, Gaillard, Lacock, Macon, Mason, of N. H. Morrow, Roberts, Sanford, Smith, Stokes, Tait, Taylor, Thompson, Troup, Varnum, Wilson.—17.

So the motion succeeded to strike out the first section of the bill.

On motion of Mr. Daggett, the bill was then referred to a select committee, with instructions "to conform the bill to the amendment made by striking out the first section, so as to retain the amendments already made by the Senate, not inconsistent with the above instruction."

Monday, Feb. 17.—A motion was made by Mr. Mason of New-Hampshire, to instruct the military committee to bring in a bill to reduce the army to the number of five thousand men; which proposition will come up to-morrow.

Mr. Hanson having made an unsuccessful motion to discharge the committee of finance from the consideration of the petitions of the unchartered banks of this city and Georgetown, and refer the same to a select committee—

Mr. Mason of New-Hampshire submitted the following motion for consideration, which lies on the table:

Resolved, That the committee of finance be instructed to report to the Senate a bill providing for the establishment of a bank, within the city of Washington, with a capital, equal to the sums, which, by a certain time to be specified, shall be subscribed and actually paid. To be not less than one million or more than three millions of dollars. Two thirds of which may be paid in the funded debt of the United States, and the other third in specie. And giving to the several banking associations now existing within the District of Columbia the prior right of subscribing for so much of said capital as shall be equal to the joint stock of such association respectively.

Resolved further, That the said committee report a bill prohibiting after a certain time to be therein named, under suitable penalties, the making and issuing, by any unauthorized association or individual within said district, notes or bills with intent to cause the same to be circulated and received in payment in like manner as the notes and bills of incorporated banks usually are circulated and received in payment.

Mr. Daggett, from the committee on the subject, reported amendments, as instructed by the Senate, to the claims law.

Mr. Mason, of New-Hampshire, submitted for consideration, the following resolution:

Resolved, That the committee of finance be instructed to inquire into the expediency of authorizing the secretary of the treasury, in behalf and for the use of the United States, to purchase or cause to be erected, suitable buildings for custom houses and public ware houses, in such principal district in each state, where the secretary shall deem the same necessary, for the safe and convenient collection of the revenue of the United States.

Mr. Daggett, of New-Hampshire, submitted the following:

Resolved, That the committee on military affairs be instructed to report to the Senate a bill to reduce the military peace establishment of the United States to the number of five thousand men, to consist of such proportions of artillery, infantry, and riflemen, as the President of the United States shall deem proper, retaining the corps of engineers as at present established.

The bill authorizing vessels departing from the town of Bayou St. John's and basin of the Canal de Carondelet, for foreign ports, to clear out at the custom house in the city of New-Orleans, was read the second time.

The amendments of the House of Representatives to the bill authorizing the sale of a reserved square in the city of Washington, were taken up and agreed to.

The bill making appropriations for the support of government for 1817, and the bill relating to the ransom of American captives of the late war, were received from the House of Representatives, and read a first time.

The Senate resumed the bill respecting the transportation of persons of colour, for sale or to be held to labour, and the bill was ordered to be engrossed and read a third time.

The Senate resumed, as in committee of the whole, the consideration of the bill respecting persons escaping from the service of their masters; and a motion was made by Mr. Smith, to postpone the same indefinitely; which was decided as follows:

YEAS—Messrs. Barbour, Brown, Campbell, Condit, Dana, Fromentin, Gaillard, Hardin, Macon, Mason, Va. Smith, Talbot, Tait, Troup, Williams—15.

NAYS—Messrs. Ashmun, Daggett, Goldsborough, Hanson, Horsey, Howell, Hunter, Mason, N. H. Morrow, Noble, Roberts, Ruggles, Sanford, Taylor, Thompson, Tichenor, Varnum, Wells, Wilson—19.

The bill having been amended, was reported to the Senate. On the question to amend the bill by adding thereto the following as a new section:

And be it further enacted, That it shall and may be lawful for any constable, or any public officer, or resident private citizen, and they are hereby authorized and empowered to seize or arrest any such negro or negroes, mulatto or mulattoes, or other person or persons of colour, and take him, her, or them, before any of the judges or magistrates aforesaid, and upon oath being made by such constable, officer, or resident private citizen, that he has just and reasonable grounds to believe that such negro, &c. as the case may be, hath escaped from his, her, or their owner or owners, in some other of the United States or Territories, it shall then be the duty of the said judge or magistrate aforesaid, and they and each of them are hereby required to commit such negro or negroes, mulatto, or other persons of colour, to the public jail of the district or county where he, she, or they shall be found and apprehended, for the space of months, unless the ower or owners shall in a shorter time prove a right of property thereto; and it shall be the duty of the keeper of any jail to which such fugitive or fugitives shall be committed, to give public notice thereof in some public newspaper for the space of weeks, describing particularly the fugitive or fugitives so committed.

The vote was as follows:

YEAS—Messrs. Barbour, Fromentin, Gaillard, Goldsborough, Hardin, Macon, Mason, Va. Ruggles, Smith, Stokes, Talbot, Tait, Taylor, Troup, Williams—15.

NAYS—Messrs. Ashmun, Brown, Daggett, Horsey, Howell, Hunter, King, Lacock, Mason, N. H. Morrow, Noble, Roberts, Sanford, Thompson, Tichenor, Varnum, Wells, Wilson—18.

And the question having been put on ordering the bill to be engrossed for a third reading; the Senate, on motion of Mr. Smith, adjourned without deciding thereon.

Tuesday, Feb. 18.—Mr. Fromentin submitted the following resolution:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be the duty of the commissioner of public buildings to cause to be erected and fitted up for the reception of the library of Congress, a suitable building, upon a plan to be approved by the president of the Senate and speaker of the House of Representatives, to be situated on Delaware avenue, north of the Capitol.

Resolved, That when the said building shall be ready for the reception of the said library, it shall be the duty of the librarian to remove the same, and arrange the books therein.

The bill authorizing the appointment of a reporter of the decisions of the supreme court, with a salary of 1,000 dollars per annum, on condition of supplying a certain number of copies to the government within a limited time, was taken up, discussed, and ordered to a third reading, by a large majority.

The Senate then went into the consideration of the executive business; and the doors remained closed until the usual hour of adjournment.

HOUSE OF REPRESENTATIVES.

Wednesday, Feb. 12.—After acting on some business of a minor character, on motion of Mr. Jackson, a message was sent to the Senate, informing them that the House of Representatives were ready to proceed, agreeably to the mutial resolution of yesterday, to open and count the votes for President and Vice-President of the United States.

The Senate soon after entered the House of Representatives, preceded by their president, who was received by the speaker at the chair of the House, in which the president of the Senate took his seat, and the speaker of the House beside him. The tellers of the two Houses, Mr. Macon on the part of the Senate, and Mr. Jackson and Mr. Pitkin on the part of the House of Representatives, occupied seats in front of the chair.

The seals of the votes were broken by the president of the Senate, and by him handed to the tellers, by whom they were read aloud, and recorded on the journals of the Senate and of the House of Representatives by the secretary of the Senate and clerk of the House, respectively.

The votes of all the States having been read, with the exception of those of the State of Indiana,

Mr. Taylor, of N. Y. rose and (addressing himself to the speaker of the House) expressed his regret at being compelled, by his sense of duty, to interrupt the proceedings of the two Houses. Mr. T. was then going on to state his reasons for objecting to the votes from Indiana being read and recorded; when

The speaker interrupted him, and said that the two Houses had met for the purpose—the single, specific purpose, of performing the constitutional duty which they were then discharging, and that, while so acting, in joint meeting, they could consider no proposition nor perform any business not prescribed by the constitution.

Mr. Varnum, of the Senate, (addressing the president of the Senate) expressed his concurrence in the propriety of what had been stated by the speaker; and, for the purpose of allowing the House of Representatives to deliberate on the question which had been suggested, he moved that the Senate withdraw to their chamber.

The motion was seconded by Mr. Dana, of the Senate, and,

The question being put by the president to the members of the Senate, it was unanimously agreed to; and

The Senate withdrew accordingly.

The Speaker having stated to the House that it now remained for them to consider the subject which had interrupted the forms of the constitution.

Mr. Taylor, of N. Y. proceeded with his objections to receiving the votes from Indiana, contending that the joint resolution of December last, admitting that State into the Union, was not a matter of form merely, but a great constitutional prerogative, to be exercised by Congress; until which a sister State could not be admitted into the Union upon an equal footing. If this was not so, where was the use of passing on the form of government, adopted by the State, and sanctioning her admission, if she was admitted to an equal footing already? The electors of President and Vice-President having been elected in Indiana before she was declared to be admitted into the Union by Congress, he thought the votes of that State were no more entitled to be counted than if they had been received from Missouri, or any other territory of the United States.

Mr. Cady, of N. Y. thought the question already settled, as another branch of the legislature had admitted the Senators from the new State to all the privileges of other members of that body; that, after admitting the Representatives of the State to act in Congress on all the concerns of the nation, it was too late to question her right to participate in this; and that from the moment the constitution of the State was assented to, she was entitled to all the privileges of an independent member of the Union.

Mr. Sharp, of Kentucky, for the purpose of settling the question, offered a joint resolution, "That the votes for electors of the State of Indiana, for President and Vice-President of the United States, were properly and legally given, and ought to be counted."

Mr. Bassett, of Virginia, thought the resolution ought not to be a joint one, as it might establish a precedent which might, in time, in the case of a tie, &c. deprive this House of one of its powers, by permitting the Senate to participate in this question.

Mr. Calhoun suggested to Mr. Sharp whether it would not be better to offer his resolution in the negative form. He, for one, did not believe the votes improper, but the question would be put to rest with more certainty, he thought, by rejecting it in the negative shape, than it would by agreeing to it in its present form.

Mr. Taylor, of N. Y. moved to amend the resolution by substituting therefor a motion declaring the votes illegal, &c.

Mr. Gaston thought the only difficulties were as to the form the House ought to adopt. With regard to the question, he was under no difficulty; according to the act of last session, the votes were legal and rightfully given. Mr. G. read the provisions of the act of last session, authorizing Indiana to form a State government, which left it to them to choose a name, prescribed the qualifications of electors of delegates to the convention, which delegates were to determine whether it was expedient at that time to form a constitution, &c. and if they determined that it was expedient, then they were authorized to form a constitution, and that determination was the act which made the territory a state. Had they adopted a constitution not republican, they would have done what they were unauthorized to do, and all their proceedings would have been illegal. But what Mr. G. presumed would remove all difficulty, were propositions in the act, which, if accepted, was to be obligatory on the parties; such as that all salt springs should be granted to said State, for the use of the people thereof, in such manner as the legislature should direct, &c. The acceptance of this proposition by Indiana was obligatory on the United States; then was called into existence the new State; and it has been recognized by both branches of the national legislature, by admitting into their respective bodies the senators and members from the State. Mr. G. though opposed to the amendment offered by Mr. Taylor, was not certain that the other motion would be proper, but was inclined to think that the better course would be merely to send a message to the Senate that the House was ready to proceed in counting the votes.

Mr. Taylor said the act of last session prescribed the number of delegates which should be elected by each county to the convention; suppose the convention to have formed a republican constitution, but that the counties should have sent three times the number of delegates authorized by the act of Congress, would not Congress see that the whole course of proceedings was proper; and would not their incipient acts be ineffectual until Congress had decided on them?

Mr. Pitkin, of Connecticut, was of opinion that the State was entitled to all State rights, as soon as they had complied with the requisitions of the act authorizing the people of the territory to form a State government. The case of Louisiana was different, because the act authorizing that territory to adopt a State government, required that their constitution should be submitted to Congress before their admission into the Union.

Mr. Ingham, of Pa. moved that the resolution and amendment be both indefinitely postponed; which motion was agreed to, almost unanimously; and then,

On motion of Mr. Jackson, a message was sent to the Senate, informing them of the readiness of this House to proceed in counting the votes.

The Senate, soon after, again entered the Representative Hall; when

The speaker informed them, that the House of Representatives had not seen it necessary to come to any resolution or to take any order on the subject which had produced the separation of the two Houses.

The reading of the votes was then concluded; and the tellers handed a statement thereof to the president of the Senate, who announced to the joint meeting the state of the votes.

The president of the Senate then declared *James Monroe*, of Virginia, to be duly elected President of the United States, and *Daniel D. Tompkins*, of New-York, duly elected Vice-President of the United States, for the term of four

years from and after the fourth day of March next.

The Senate then withdrew in the order in which they entered the Hall; and

The House adjourned.

Thursday, Feb. 13.—Mr. Newton, from the committee of commerce and manufactures, who were instructed to inquire into the expediency of authorizing importers of goods into New-Orleans, and destined for Cincinnati, to give bond for the payment of the duties to a collector to be appointed to reside at Cincinnati, made a report thereon, which was twice read and committed.

Mr. Lewis, of Virginia, from the committee for the District of Columbia, to which was referred the bill from the Senate, "authorizing the sale of certain grounds belonging to the U. States in the city of Washington," reported amendments to the same, going to confine the sale to one square of ground, between 3d and 4½ streets, and the bill, as amended, was ordered to be read a third time.

Mr. Wilde, from the committee on the judiciary, who were instructed to inquire into the expediency of allowing to the judge of the sixth circuit of the United States, an additional compensation, made a favourable report thereon, which was read and committed.

Mr. Ingham, from the committee on the post office, reported a bill to extend the privilege of franking to the ordnance department and patent office, which was twice read and committed.

Mr. Robertson, from the committee on the public lands, made a report against the petitions of sundry inhabitants of Lower Sandusky, in the State of Ohio, and the resolution of the general assembly of that State, in their behalf; and against the petitions of sundry inhabitants of Montgomery county, in the said State of Ohio; which reports were read and agreed to.

Mr. Pleasants, from the committee on naval affairs, reported without amendment, the bill from the Senate "in addition to an act for the relief of Daniel T. Patterson and George T. Ross, and the officers and men lately under their command," and the bill was ordered to a third reading, and was accordingly read a third time and passed.

The engrossed bill "relating to the ransom of American captives of the late war," was read a third time, passed, and sent to the Senate.

The bill for the relief of certain sufferers, on the Niagara frontier, by the late war, was taken up and further amended. On the question to order the bill to be engrossed for a third reading—

Mr. Ingham moved to lay the bill on the table, principally on the ground that there was a bill on the same subject before the Senate, the decision on which was materially connected with that now before the house. The motion was opposed by Mr. Clark, of New-York, and Mr. Gold. and supported by Messrs. Ingham and Pickering. The question for laying the bill on the table was decided in the affirmative by yeas and nays—100 to 52.

The House then resolved itself into a committee of the whole on the appropriation bill for the civil expenses of the United States. This bill is generally a matter of form and detail merely, setting apart from the treasury, for disbursement, sums of money already authorized by law to be paid. There was considerable discussion on some minor questions arising in the bill, particularly in regard to the payment of the expenses of an additional clerk, found necessary to have been employed in the office of the commissioner of claims, which allowance was finally agreed to. The committee rose, and reported the bill.

Friday, Feb. 14.—Mr. Newton, from the committee of commerce and manufactures, reported a bill to repeal so much of the act to regulate the duties on imports and tonnage, as limits to the duty of 25 per cent. ad valorem on certain goods, to the 30th June, 1819; which was twice read and committed.

The Speaker laid before the House a letter from the acting secretary of war, in reply to the resolution requesting him to report the reasons why the militia fines, incurred under the late call of the militia into the service of the United States, are not finally collected. [Stating that by reference to the acts of Congress of Feb. 28, 1795, and Feb. 2d, 1813, the war department has no control in relation to the collection of the fines assessed by courts martial, appointed for the trial of delinquent militia men, and therefore the department cannot furnish the information required by the resolution.]

The Speaker also laid before the House a letter from the secretary of the treasury, transmitting a statement of the quantity of public lands sold, and the receipts therefor, in the States of Ohio and Indiana, and the Illinois and Mississippi Territories, during the year ending Sept. 30, 1816.

On motion of Mr. Parris,

Resolved, That the secretary of war be directed to lay before this House any information in the possession of that department, relative to the claims of the State of Massachusetts for payment of the militia ordered out by the executive authority of that State during the late war.

Mr. Williams, of North-Carolina, offered the following resolution:

Resolved, That the internal duties be repealed, and that the committee of ways and means be instructed to bring in a bill for that purpose.

The question of considering the resolution was decided in the affirmative by yeas and nays—84 to 34.

A debate of some length on the adoption of the resolution ensued, which is excluded at present by want of room.

Mr. Smith, of Maryland, moved to lay the resolution on the table; but the debate continuing, before the question was taken thereon,

Mr. Lowndes moved to proceed to the orders of the day; which motion was decided in the affirmative—ayes 73, nays 72.

Mr. Cannon then moved that the order of the day, being the report of the committee of the whole on the general appropriation bill, be laid on the table for the purpose of taking up the resolution, submitted some weeks since, declaring it expedient to reduce the army.

After some discussion on the propriety of postponing the appropriation bill, for the object avowed by the mover;

The question was taken thereon and decided in the negative—ayes 56, nays 73, and

The House then proceeded to the consideration of the appropriation bill, and the amendments reported by the committee of the whole thereto.

The amendments were variously disposed, and the only considerable departure from the report of the committee of the whole was the reduction of the appropriation of 72,000 dollars for intercourse with the Barbary powers. This sum was stricken out, on motion of Mr. Root, who then

moved to fill the bill with 20,000 dollars; it was however, filled, on motion of Mr. Ingham, with 47,000 (the sum appropriated last year) and then the bill was ordered to be engrossed for a third reading.

The bill from the Senate authorizing the sale of certain grounds belonging to the United States in the city of Washington, was read the third time and passed.

The House then resolved itself into a committee of the whole, Mr. Condict in the chair, on the bill making appropriations for the military service.

This bill is usually considered as a matter of form, and the blanks in it filled of course with the estimates from the proper departments.

Some debate took place, incidentally, on the practice, authorized by law, and heretofore prevailing, to a great extent, of transferring appropriations from one branch of service to another, a practice which was much disapproved. Some animadversions were also made on the expenses of the government, pronounced to be of overgrown amount, and requiring curtailment.

The bill having been gone through, was reported to the House, and ordered to be engrossed for a third reading.

Saturday, Feb. 15.—The speaker laid before the house a letter from the acting secretary of war, transmitting the required information respecting the expenses of the military academy at West Point, from 1801 to 1816, the number of students educated there, and the number of those who have been appointed officers in the army.

The speaker also laid before the house a letter from the postmaster general, enclosing a list of contracts made by that department during the year 1816.

On motion of Mr. Little,

Resolved, That the acting secretary of war cause to be laid before this house the official report made to the adjutant and inspector general, and by whom made, of the meeting said to have taken place at Norfolk, of a part of the late 38th regiment United States infantry, together with the names and number of those concerned in said meeting.

On motion of Mr. Edwards,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of amending the laws imposing duties on distilleries, so as to allow persons distilling spirits from fruit the option of paying the duty on the quantity distilled.

On motion of Mr. Betts,

Resolved, That the committee on the judiciary be instructed to inquire into the state and usual disposition of the funds under the control of the district courts of the United States, and into the expediency of requiring from the officers of those courts additional securities in relation to those funds.

The engrossed bill making appropriations for the support of government for the year 1817, was read the third time, and passed.

The bill from the Senate, authorizing the settlement of the accounts of Jacint Laval, late of the army, was read a third time, and passed.

The House then again resolved itself into a committee of the whole, Mr. Bassett in the chair, on the unfinished business of yesterday—being the bill making appropriations for the military establishment for the year 1817.

The bill underwent some changes in committee, besides the necessary duty of filling the blanks—amongst them, the rejection of the section making an appropriation for the erection and completion of buildings at West Point—which motion was sustained on the ground, that the buildings had been commenced without authority from the government; that it was necessary to authorize and control all the public expenditures; and that the appropriation of 47,000 dollars was now asked for, without showing how the large appropriation of last year had been expended, &c. The motion to strike out the section was supported by Mr. Calhoun and Mr. Edwards.

A good deal of discussion took place on the several appropriations moved to be inserted in the bill, for the military establishment, &c. and a very active disposition was manifested by the House to scrutinize into the expenditure of former appropriations, and into the necessity of those now called for; as well as to reduce the appropriations to distinct and well defined heads, rather than to make general appropriations for several objects.

The committee having gone through this bill, took up successively the bill making additional appropriations to defray the expenses of the army and militia during the late war; and the bill making an appropriation for the support of the navy for the year 1817; which underwent the same course of investigation; after which the committee of the whole rose, and reported the several bills, as amended, to the House.

The House took up successively these bills, as amended, and after spending considerable time in busily considering the various amendments, and disposing of the same;

The bills were severally ordered to be engrossed and read a third time.

Mr. Jackson, from the committee appointed on the part of the House, in pursuance of the joint resolution of the two Houses, on the subject of counting the votes for President and Vice President of the United States, made a report, which was ordered to be printed; and

The House adjourned.

Monday, Feb. 17.—Mr. Lowndes, from the committee of ways and means, reported a bill supplementary to an act entitled "An act further to amend the several acts for the establishment and regulation of the treasury, war and navy departments," which was twice read and committed.

Mr. M'Kee from the committee appointed on the 24th ultimo, reported, by leave, a bill repealing the act passed on the 22d day of April, 1800, and fixing the command of the marine corps; and also a bill repealing the act entitled an act for the safe keeping and accommodation of prisoners of war, passed on the 6th of July, 1812. The first of these bills was twice read and committed, and the second once read, and ordered to be read a second time.

On motion of Mr. Mills, the committee on the judiciary were instructed to inquire into the expediency of making further provision by law for regulating the fees of district attorneys of the United States.

The engrossed bill making appropriations for the military establishment for the year 1817; the engrossed bill making additional appropriations to defray the expenses of the army and militia during the late war with Great Britain; the engrossed bill making appropriations for the support of the navy of the United States for the year 1817, were severally read the third time and passed.

The House then proceeded to consider the proposition, submitted by Mr. Williams a few days ago, that it is expedient to repeal the internal duties.

This subject occupied the remainder of the day, in the manner stated below.

Mr. Johnson, of Virginia, commenced the debate by an animated argument in support of the proposition, on the entire adequacy of the revenue from the direct taxes and other sources to defray the expenses of the government, without the aid of the internal taxes, which therefore, and for their own objectionable character, ought to be repealed.

Mr. Smith of Maryland, entered into an examination of the fiscal part of this question, with a view to show that, if the report of the committee of finance on the sinking fund should receive the sanction of the House, these taxes could not be dispensed with.

Mr. Calhoun, of South-Carolina, spoke in reply, particularly condemning the unseasonableness of the hour at which this question had been introduced into discussion, and showing the improbability of acting conclusively on the subject at the present session.

Mr. Gold, of N. York, moved to lay the resolution on the table.

This motion was opposed by Mr. Cannon, Mr. Sharp, and Mr. Hardin, and supported by Mr. Robertson, Mr. Sheffey, Mr. Smith of Maryland, and Mr. Lowndes, on various grounds and at some length.

The question was at length decided by yeas and nays against postponement, by a majority of about 20 votes.

Mr. Ingham, of Pen. moved to amend the resolution, in order to save future trouble, and make it more specific, so as to specify the repeal of each of the internal taxes distinctly. [This will bring before the House separately the question of repealing each tax.]

After some conversation, arising from the new shape now given to the proposition, a motion to adjourn prevailed by a small majority.

Tuesday, Feb. 18.—Mr. H. Nelson, from the committee on the judiciary, to whom an inquiry on the subject had been referred, reported that it is inexpedient to multiply the newspapers in which the acts of Congress are published. This report was agreed to.

Mr. Nelson, from the same committee, reported a bill providing an additional compensation to the circuit judge of the sixth circuit; which was twice read and committed for to-morrow.

Mr. Sharp, from the committee on private land claims, reported a bill confirming certain claims to lands in the Illinois Territory, to the heirs of Philip Renaut, which was twice read and committed.

Mr. Condict, from the committee on the expenditures for the public buildings, made a report containing estimates of expenses to be incurred in finishing the public buildings; which was read and ordered to lie on the table.

Mr. Ingham, from the committee on post roads, reported a bill allowing the privilege of franking to James Madison during the remainder of his life; which was twice read and ordered to a third reading to-morrow.

The speaker laid before the house documents received from the war department, to sustain the application of Alexander Mills, for a pension.

The speaker also communicated the report of the secretary of the treasury on the petition of the merchants and vessel owners in Richmond district. The report was directed to lie on the table.

The speaker also communicated a report of the post-master general of the names and salaries of his clerks in the year 1816. Ordered to lie on the table.

The speaker also laid before the house a letter from Gov. Plumer, transmitting a map of New-Hampshire, for the use of the House of Representatives.

On motion of Mr. King, of Mass. the following resolution was adopted:

Resolved, That the committee on foreign relations be instructed to report to the house such measures as they may judge necessary to regulate the importation of Plaster of Paris, and to countervail the regulations of any other nation, injurious to our own, relating to that trade.

The house then resumed the consideration of the resolution moved by Mr. Williams, to repeal the internal duties; when the question recurred on Mr. Ingham's proposed amendment, noticed in the proceedings of yesterday.

Mr. Root moved to amend the amendment so as to confine the repeal of the duty on carriages, to those "not exceeding one hundred dollars in value."

Mr. Bateman spoke against the repeal of the duties, and concluded his speech by a motion to postpone indefinitely the resolution and proposed amendments.

The question was at length taken on indefinite postponement, and decided in the negative—

For the postponement	59
Against it	94

The question then recurred on Mr. Root's proposed amendment, which he then withdrew.

The question was then taken on Mr. Ingham's motion, and decided in the negative.

The question having been stated on the original resolution proposed by Mr. Williams, a division of the question was called for—

And before taking the question thereon, the house adjourned at a late hour.

Wednesday, Feb. 19.—Mr. Pleasants, from the committee on naval affairs, who were instructed to inquire into the expediency of directing the application of the funds arising under the act of Congress for the relief of the sick and disabled seamen, at the port of Richmond, in aid of the funds of the corporation of that city towards the erection and support of a marine hospital, made a report thereon; which was read and ordered to lie on the table.

Mr. Hugh Nelson, from the committee on the judiciary, reported a bill concerning the compensation of the district attorney, for the district of Massachusetts, which was twice read and ordered to be engrossed for a third reading.

The bill supplementary to the act further to amend the several acts for the establishment and regulation of the treasury, war and navy departments, (for prohibiting transfers of appropriations in future)—and the bill repealing the act "for the safe keeping and accommodation of prisoners of war, were read a second time and committed.

The speaker laid before the House a letter from the comptroller of the treasury, transmitting the annual statement of balances, which have remained due more than three years prior to the 30th September, 1816, on the books of the accountant

of the navy department; which were ordered to lie on the table.

On motion of Mr. Conner, the committee on post offices and post roads were instructed to inquire into the expediency of extending the post route from Anson to Solon in the district of Maine.

On motion of Mr. Atherton, the House proceeded to consider the proposition to amend the rules and orders of the House, submitted by him on the 8th inst.; and the same being amended was agreed to by the House, as follows;

"It shall be the duty of the several committees on the public expenditure, to inquire whether any offices belong to the branches or departments, respectively concerning whose expenditures it is their duty to inquire, have become useless, or unnecessary, and to report from time to time of the expediency of modifying or abolishing the same; also, to examine into the pay and emoluments of all offices under the laws of the United States, and to report from time to time such a reduction or increase thereof, as a just economy and the public service may require."

The House proceeded to the consideration of the resolution offered by Mr. Williams, for the repeal of the internal duties.

An appeal was asked by Mr. Williams, on the speaker's decision that this motion was susceptible of division; but he withdrew the motion in consequence of some observations by Mr. Randolph.

Mr. Webster spoke at large against a general repeal of the internal duties, on general principles; particularly on comparing them with duties on articles imported, some of which, he contended, particularly those on salt, sugar, and coffee, were much more grievous impositions on the people, than the internal duties. Mr. W. spent some time in examining the bearings of the various taxes on different interests of the government, deducing the inference that the navigating was the interest most severely taxed at present, &c.

Mr. Alexander expressed his decided opinion in favor of a repeal of the taxes; but said he did not wish to give a vote which, from the course the business and debate was taking, would be a pretension merely to do that which he was convinced could not be consummated at the present session.

Mr. Smith of Md. explained his views, as being in favor of a repeal, if the report in favor of a large sinking fund should not be agreed to; but opposed to it if that proposition should succeed.

Mr. Sheffey spoke in favor of a reduction of the army; and expressed his willingness, if the army should be reduced, to vote for a repeal of the internal duties, bnt not on any other ground. He was, under present circumstances, opposed to the repeal, and condemned the precipitancy with which the house had appeared to pass at once from excess to parsimony, &c.

ON MANUFACTURES.

The following extract of a letter from the venerable Jefferson to William Sampson, esquire, acknowledging the receipt of the address of the American Society for the encouragement of manufactures, we have been permitted to copy for publication:—*Nat. Int.*

"I have read, with great satisfaction, the eloquent pamphlet you were so kind as to send me, and sympathize with every line of it. I was once a doubter whether the labour of the cultivator, aided by the creative powers of the earth itself, would not produce more value than that of the manufacturer alone, and unassisted by the dead subject on which he acted: in other words, whether the more we could bring into action of the energies of our boundless territory, in addition to the labour of our citizens, the more would not be our gain. But the inventions of the latter times, by labour saving machines, do as much now for the manufacturer as the earth for the cultivator. Experience, too, has proved that mine was but half the question; the other half is, whether dollars and cents are to be weighed in the scale with real independence. The question is then solved, at least so far as respects our own wants.

"I much fear the effect on our infant establishments, of the policy avowed by Mr. Brougham, and quoted in the pamphlet. Individual British merchants may lose by the late immense importations; but British commerce and manufactures, in the mass, will gain by beating down the competition of ours in our own markets, &c."

From the Buffaloe Gazette.

What object of a secular nature can reflect more pleasing sensations on the mind, than a contemplation on the growth and prosperity of the country that gave us birth? When we turn our minds to the great western canal, in what ratio shall we compute the future growth and prosperity of the western section of our country, should this grand object be effected, on a plan calculated to reduce the price of exportations, so that heavy articles of produce would bear transportation from the western lakes to New-York. Then should we see the frontier on the lakes, Erie, St. Clair, Huron, Michigan, and Superior, floating their richest produce into the great emporium of their country. What internal improvement can surpass the one now in contemplation? The country generally has a faint view of the magnitude of this object: they do not consider that it will meet navigable waters equal to a canal 3,926 miles in length, or upwards. But to prove this, it will only be necessary to show the circumference of the lakes, and the length of the rivers that connect them.—This is not accurately known, but according to the best calculation,

	miles.
The circumference of Lake Erie is	300
The length of Detroit river	28
The circumference of Lake St. Clair	90
The length of St. Clair River	28
The circumference of Lake Huron	1,000
The length of St. Mary's river	40
The circumference of Lake Superior	1,500
The circumference of Lake Michigan	940
	3,926

This calculation being accurate, we find a frontier country, bordering on navigable waters, a distance of 3,926 miles, intercepted only by a portage of nine miles between lakes Huron and Superior, a great portion of which country is of a superior quality for cultivation. Were this chain of water communication extended to Hudson river, then would the hardy sons of Columbia have scope for their unrivalled spirit of enterprise and industry. Nor would the wonder stop here; the southern and middle states would not be a continent but divided into islands. A channel would be cut

from Green Bay and lake Michigan, to Winnebago lake, from thence through Fox and Ouisconsin rivers to Mississippi river, or from Michigan through Chicaugo and Illinois rivers to the Mississippi. From the west comes the Missouri river, said to be navigable 1,300 miles. What fields for enterprise, what wealth would be floated down these channels. From Ohio and Michigan, the produce of the field; from lakes Michigan and Superior, fish, copper, and peltry; from Illinois and Missouri, coal, lead, salt, buffaloe robes, and peltry. Fellow citizens, would not this communication, between Hudson and lake Erie, afford to the United States more ample means of promoting every social interest, than have heretofore, in any country, been accomplished by any human enterprise.

Medical.

A medical gentleman who read the accounts of the dreadful effects of the oxide of copper on the servants of Lord Rossmore, produced by eating fruit stewed in a copper pan, observes, that in his practice he has frequently witnessed, when mineral poisons, technically called oxide, whether of copper or arsenic, are taken inwardly, that one table spoon full of powdered charcoal is a complete antidote, mixed with either honey, butter or treacle, taken immediately; within two hours administer either an emetic or cathartic; in this way the effect of the poison is prevented. By administering charcoal, a chemical decomposition takes place in the stomach, the oxigen unites with the carbon, and the copper or arsenic regains its metallic properties, in which state it is perfectly harmless.

FOREIGN AND DOMESTIC SUMMARY.

FOREIGN.

A part of the American squadron in the Mediterranean were, at the last accounts, at Malaga, and the residue bound up to Algiers.

Mr. Mead, who has been a long time imprisoned in Spain, was to be released on the 22d of December. Mr. Erving, the American minister, remained at Madrid.

The Spanish expedition for South-America, so long talked of, had not yet sailed, nor was it known when it probably would depart.

A report is stated to have reached N. Orleans, from the Balize, on the 17th of January, importing to be that Gen. Victoria, the patriot commander, in the intendancy of Vera Cruz, after having taken a convoy of 200 mules laden with silver, from the capital, had marched to Tampico, of which he got possession without loss, the royalists saving themselves on board their vessels. The possession of Tampico will open at once a channel for supplies of every kind reaching the patriots in the interior.

In addition to the above, it is said that there are a number of those who fled from Tampico, on board of a Spanish vessel now in the river.

In London, we observe, a patent is obtained for an invention to prevent the overturning of stage coaches.

It is stated that the daughter of a notary at St. Helena attempted to assassinate Bonaparte.

DOMESTIC.

Virginia Legislature.—Yesterday two very important measures were acted on in the two houses. The convention bill was rejected in the Senate—ayes 9, noes 12. In the House of Delegates, the bill for equalizing the representation in the Senate, and the land tax, was taken up, and after a very long debate, was carried—ayes 75, noes 71.—*Richmond, Feb.* 12.

From letters of Col. A. P. Hayne, Major J. Gadsden, and others, it appears that the *vase*, which the ladies of Charleston had procured to be executed for Gen. Jackson, has been presented.

New-York, Feb. 13.—On the evening of the 8th inst. at Albany, the swords voted to Gens. Brown and Mooers, were presented in the Assembly Chamber; which impressive scene was witnessed by a numerous assemblage of ladies and gentlemen. Gen. Brown is expected in this city to-day.

Col. Trumbull has been elected President of the "Columbian Society of Artists" in Philadelphia.

By a letter from Gen. Mina, it appears that, though his vessels were much shattered in a severe gale at Port-au-Prince, he was still determined to go forward with his enterprise.

On the night of the 17th of January Capt. Slater, the commander of a vessel, was, together with his crew, frozen to death on Lake Ponchartrain.

In the town of Jefferson, (Maine) on the 6th inst. the dwelling of Mr. William Whitehouse was consumed by fire, with its whole contents; and what is most distressing, *himself, wife, and three children, perished in the flames!* Mrs. Whitehouse had been confined four days in childbed, and Mr. Whitehouse lost his life by endeavoring to rescue her from her apartment.

Wealth of New-York.—The total valuation of real and personal estates in the several counties of that State, returned to the comptroller's office in 1815, amounts in the aggregate to *two hundred and ninety-three millions, eight hundred and eighty-two thousand two hundred and twenty-four dollars.*

State Prison at Auburn.—The walls of the State Prison at Auburn, N. York, will enclose five acres of ground. The prison will be in front 276 feet, and 40 feet deep, with wings of the same depth, extending back 242 feet—three stories high, to be built of stone, and calculated to contain 1,000 convicts at useful labor,

The case of John Singleton *versus* the South-Carolina Bank, in the court of common pleas, for the recovery of money due upon bills issued by the said bank, was argued on Feb. 8th, and, of course, decided in favor of the plaintiff. The defendants relied chiefly on the grounds—1st, that the demand upon, and refusal by the cashier, was not a legal demand upon, and refusal by the president and directors, the persons constituted by the charter to represent the institution; that they could act only in their corporate capacity, and express their will only by the language of their *seal*. 2dly, that it would be highly inequitable to exact *specie* of the banks at a time when its value was from eight to ten per cent. greater than that of the bills of Charleston.

The act of the New-Brunswick assembly, laying restrictions on the plaster trade, and prohibiting the landing of it at any place east of Boston, has received the royal approbation; and the governor's proclamation has been issued declaring it to be in force from the thirty-first of January, the date of said document. The act and proclamation shall be published as soon as we conveniently can.

The banks of this district yesterday recommenced the payment of specie.